

**TRANSITION ADVISORY PLAN
for
BUTTE-SILVER BOW**

**PREPARED BY THE
BUTTE-SILVER BOW
LOCAL GOVERNMENT REVIEW STUDY COMMISSION**

December 18, 2006

TRANSITION ADVISORY PLAN for BUTTE-SILVER BOW

Authority

This is the “Transition Advisory Plan” prepared and approved by the Butte-Silver Bow Local Government Review Study Commission pursuant to the requirements of 7-3-157 and 7-3-193, M.C.A..

Purpose

The purpose of this advisory plan is to provide for the orderly transition to the amended Charter approved by the voters of Butte-Silver Bow at the November 7, 2006 general election.

Full implementation of the five amendments approved by the voters will require the development of several implementing ordinances and resolutions, each entailing substantial research by the Executive Branch and deliberative consideration by the Council of Commissioners. To provide guidance during the implementation process which, according to the Charter, must be initiated by January 1, 2007, this advisory plan expresses the intent of the Study Commission in proposing each of the five voter approved Charter amendments.

Consequently, what follows is a summary of the results of our two-year course of study, research and deliberations which led us to place these five Charter amendments on the ballot for voter consideration. Each of the amendments we proposed addresses a specific issue that became evident during our two year study and which we believe could only be addressed effectively by including specific Charter direction to the Chief Executive and Council of Commissioners. Each of these amendments is presented sequentially below along with a brief summary of the issues(s) addressed by the amendment and our proposed implementing action.

Transition Plan

Amendment #1. *For adoption of the amendments to the Butte-Silver Bow Charter deleting transitional language, clarifying out-of-date references and adding limited stylistic changes and adding responsibilities to the powers and duties of the Chief Executive, as proposed by the Butte-Silver Bow Local Government Review Study Commission. (Approved by a vote of 9,080 to 4,125, 69%)*

Comment: This Charter amendment addresses three (3) separate but related issues of concern to the Study Commission and to the voters of Butte-Silver Bow.

Issue #1. The 1976 Charter, as amended in 1986 and 1996, contained unnecessary transitional language, out-of-date references, such as “. . . *serve at the pleasure of* . . .”, and some awkward phraseology, which impeded ready interpretation of the Charter. This language has been deleted or rephrased to facilitate comprehension. A copy of the final amended Charter is attached to this advisory plan in hard copy and as a diskette with an MS WORD version of the approved amended Charter.

Proposed Action:

(1) The Council of Commissioners and the Chief Executive should jointly review the Charter in detail to familiarize themselves with the amended language. The attached copy of the Charter includes underlined sections that have been amended.

(2) A reference copy without underlining should be provided to the County Attorney; to the Clerk and Recorder and to the Butte-Silver Bow Library for permanent retention and ready citizen access.

Issue # 2. Community Enrichment activities proposed by the Community Enrichment Committee have not been effectively coordinated among the several departments responsible for implementation. The amended Charter at Section 4.02(b)(1) assigns the responsibility for coordinating all Community Enrichment activities directly to the Chief Executive.

Proposed Action:

(1) The Chief Executive should review and revise, as necessary, all existing policies, ordinances and resolutions related to the Community Enrichment program with a view toward establishing effective coordination by the Chief Executive of all Community Enrichment activities.

(2) Upon completion of this review but not later than March 1, 2007, the Chief Executive should convene a meeting of the Community Enrichment Committee, the relevant department heads and all other involved agencies to assure that, in the future, Community Enrichment activities will be coordinated directly by the Chief Executive.

Issue #3. During the fifteen years that the Superfund rehabilitation program has been underway, the county’s work on the project has been handled by an informal organization

of various county departments without adequate coordination, accountability or citizen involvement. The amended Charter at Section 4.02(b)(2) assigns directly to the Chief Executive accountability for coordinating all Superfund activities, monitoring all funds and interfacing with a Volunteer Citizens Advisory Board.

Proposed Action:

(1) The Chief Executive should review and revise, as necessary, all existing policies, ordinances and resolutions related to the conduct of the Superfund rehabilitation program with a view toward establishing effective oversight, monitoring and coordination by the Chief Executive of all Superfund activities.

(2) Upon completion of this review but not later than March 1, 2007, the Chief Executive should prepare a draft ordinance for adoption by the Council of Commissioners creating a "Volunteer Citizens Advisory Board" to insure timely citizen input and transparent accountability for all Superfund activities. The ordinance should provide that the composition of the Advisory Board shall include citizens with relevant training and experience such as CPAs, bankers, financial specialists, engineers, etc.. The ordinance should provide that the Advisory Board shall be appointed by the Chief Executive and confirmed by the Council of Commissioners. It is the intent of the Study Commission that the Advisory Board shall be directly accountable to the Council of Commissioners and that the Chief Executive interface closely with the Advisory Board to insure that the Advisory Board has all of the information needed to provide effective monitoring of all Superfund activities.

(3) Upon approval of the implementing ordinance by the Council of Commissioners, the Chief Executive should, without delay, submit to the Council of Commissioners the names of appointees to the Advisory Board for confirmation by the Council of Commissioners. Thereafter, the Chief Executive should convene an organizational meeting of the Advisory Board along with the relevant department heads and any outside agencies to review with all concerned the provisions of the ordinance adopted by the Council of Commissioners.

Amendment # 2. *When a vacancy exists, the Chief Executive may appoint certain designated department heads to serve in their positions on a contract basis. The terms and conditions of said contracts will be negotiated by the Chief Executive with the individual concerned. These contracts require approval by the Council of Commissioners. The department heads so designated, shall be established by ordinance. Early cancellation of all employment contracts must also be approved by the Council of Commissioners. (Approved by a vote of 8,567 to 4,678, 65%)*

Comment: The Study Commission recognizes that there may be good reason for the Chief Executive to hire department heads for only the duration of the Chief Executive's term of office. Hiring certain non-elected department heads on a contractual basis pursuant to Section 4.02(c)3 removes the inflexibility of lifetime appointment upon future administrations and opens department head positions to those who really will serve "at the pleasure" of the Chief Executive.

Proposed Action:

(1) The Chief Executive should identify which department head positions, if any, should be considered for appointment by contract. These positions should be identified in a draft ordinance prepared by the Chief Executive for approval by the Council of Commissioners.

Amendment # 3. *For adoption of the amendment to the Butte-Silver Bow Charter requiring that an Animal Services Department be established and maintained, as proposed by the Butte-Silver Bow Local Government Review Study Commission. (Approved by a vote of 9,544 to 4,359, 69 %)*

Comment: At the first two public meetings held by the Study Commission, nearly 40% of those attending complained the present animal control system was not working, particularly as far as stray dogs are concerned. The animal control officers' effectiveness seems greatly diminished; the shelter has had major problems and there seems to be a lack of administrative control.

The Study Commission recognizes that a county department must be formed for animal control to be properly managed and this imperative has been incorporated into the Charter at Section 7.07, which requires the establishment of an Animal Services Department. The director of this department shall be in charge of department administration, enforcement and confinement and shall be directly accountable to the Chief Executive.

Proposed Action:

(1.) The Chief Executive should review all existing policies, ordinances and procedures related to animal control with a view toward drafting a new ordinance that will create an Animal Services Department whose director shall be accountable directly to the Chief Executive. The draft ordinance should establish department responsibilities, including the responsibility for enforcement and confinement procedures. The draft ordinance should be submitted to the Council of Commissioners for approval not later than March 1, 2007 and the new

department shall be funded and in full operation by July 1, 2007.

(2.) Upon adoption of the ordinance by the Council of Commissioners, the Chief Executive should, without delay, proceed with the search for and appointment of a qualified person to serve as the Director of the Animal Services Department. The citizens of Butte-Silver Bow expect vigorous enforcement of the animal control ordinance.

Amendment # 4. *For adoption of amendment to the Butte-Silver Bow Charter providing that the Council of Commissioners shall evaluate annually and publish the success of the Butte-Silver Bow government in achieving goals set by the Chief Executive, as proposed the Butte-Silver Bow Local Government Review Study Commission. (Approved by a vote of 9,866 to 3,677, 73 %)*

Comment: During the course of its inquiries, the Study Commission learned that there is, at present, no formal system to establish and assess the accomplishment of performance goals of the Butte-Silver Bow government. As indicated by the overwhelming voter support of this amendment, there is a strongly felt community expectation that their government should be doing more to make Butte-Silver Bow a better place to live, work and rear families. The Study Commission firmly believes that without a systematic goal setting and evaluation process, which includes regular reporting to the public, little progress, can be made in meeting the community's most important needs.

The Study Commission recognizes that such a process cannot succeed unless both branches of government are involved in setting, achieving and evaluating their shared goals. To that end, the new Charter language at Sections 3.03(1) and 4.02(b)12, is intended to facilitate a joint process of setting, evaluating and publicizing the accomplishment of the shared goals of the Butte-Silver Bow *government*. It is not the intent of the Study Commission to create a legislative instrument that can be used to coerce or politically embarrass the executive branch.

Proposed Action:

(1) The Chief Executive should undertake an internal goal setting process involving all elected and appointed department heads. The process should focus on those measurable outcomes which will enhance public safety, community livability, environmental quality, transportation systems, public infrastructure, economic development or any other objectives that will improve community health, safety, welfare and economy. It is not the intent of the Study Commission that a certain number of goals be set encompassing all of the above categories. Rather, we believe that a few carefully crafted and "doable" goals should be set

forth initially to demonstrate the success of the process to the staff, the Council of Commissioners and to the public at large. In this regard, we would urge consideration by the Chief Executive of the specific actions proposed in this Transition Plan to be identified as the initial goals of the government to be accomplished by June 30, 2007. Thereafter, an annual goal setting process should be institutionalized.

(2) It will be important for the Council of Commissioners to remember that their role in the goal setting process is to *review* the goals developed by the executive branch and not to set the government's goals. Certainly such Council review may well include comments and perhaps recommendations for refinement but, if executive branch staff are to be expected to commit to the accomplishment of the goals, they must believe that the goals of the government are *their* goals. Certainly, when it comes time for the Council of Commissioners to evaluate and publicly report the progress made in achieving the government's goals, a more robust role of the Council of Commissioners will no doubt emerge. However, once again, the Study Commission urges the Council of Commissioners to use restraint in conducting the evaluation process to insure that a positive and collaborative relationship is maintained between the two branches of government. In doing so, even when progress on some goals is less than expected, the trust of the community in its government is likely to be sustained.

Amendment # 5. *For adoption of the amendment to the Butte-Silver Bow Charter requiring that a summary of the annual budget, including a comparison with the preceding year's budget and the date and time of the required public hearing, be published in a newspaper of paid, general circulation prior to budget approval by the Council of Commissioners proposed by the Butte-Silver Bow Local Government Review Study Commission. (Approved by a vote of 10,644 to 3,046, 78 %)*

Comment: The Study Commission recognizes that it is difficult for most citizens to get a copy, or see a copy of the government's annual budget prior to the required public hearing and to assure an opportunity for public comment or debate. The intent of the Study Commission and this amendment at Section 4.02(b)13 is to require complete and timely public disclosure of the annual budget and a comparison with the previous year's budget through publication in the daily newspaper, prior to final adoption of the budget by the Council of Commissioners.

Proposed Action:

- (1) The Director of Budget and Finance shall prepare for approval by the Chief Executive a budget summary and biennial comparison in a format that is

readily understandable by the public and suitable for publication in a newspaper of paid, general circulation. At a minimum, the format should include projected expenditures by department and the supporting revenues as well as the anticipated property tax mill levy for the ensuing fiscal year, in comparison with the preceding year and an explanation for the largest areas of change.

This Transition Advisory Plan is herewith respectfully submitted for implementation to the Council of Commissioners and to the Chief Executive of Butte-Silver Bow.

ATTACHMENT: Charter of Butte-Silver Bow as amended by the voters on November 7, 2006.

We, the Local Government Review Study Commission of Butte-Silver Bow, do hereby certify that this is the official Transition Advisory Plan required by law for the orderly transition to the amended Charter of Butte-Silver Bow approved by the voters on November 7, 2006. In testimony thereof, we set our hands.

Done at Butte, Montana this _____ day of December, 2006.

Bob Worley, Chairman

Tony Bonney

Ristene Hall

Wayne Harper

Shag Miller

David J. Palmer

Meg Sharp

Cindi Shaw

Richard Northey Tretheway

SEAL

ATTEST

Clerk and Recorder